

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haelele, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

September 4, 2020

The Honorable Sarah Netburn
United States Magistrate Judge
U.S. District Court for the Southern District of New York
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, New York 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD)(SN)

Dear Judge Netburn:

Today, the Plaintiffs' Executive Committees and, separately, counsel for the *Ashton* plaintiffs are filing two supplemental pleadings related to plaintiffs' claims against defendant, the Republic of the Sudan ("Sudan"). The plaintiffs file these supplemental pleadings pursuant to the Court's authorization during the August 5, 2020 conference and in the Court's August 21, 2020 endorsement at ECF No. 6401, and consistent with the case management orders and procedures this Court previously authorized permitting similar supplementation in this MDL (*see* ECF No. 247 [CMO #2, June 16, 2004, at ¶¶12-13]). Plaintiffs expressly reserve all, and do not relinquish any, rights to enforce the prior defaults entered against Sudan in their cases.

After review of governing law, counsel for the plaintiffs concluded that, consistent with Fed. R. Civ. P. 15(d), these pleadings are most properly designated as supplemental pleadings. The purpose of these filings is to update the operative pleadings to reflect changes in the law and evidentiary disclosures by the U.S. government subsequent to the filing of the underlying complaints, and a supplemental pleading is the appropriate vehicle for doing so. The gravamen of the claims against Sudan in all of the previous pleadings remain unchanged, the operative pleadings are not displaced, and the defaults stand. *See, e.g.*, Consolidated Supplemental Complaint, ¶ 2; *Ashton* Supplemental Complaint at 1-2.

Respectfully submitted,

The Honorable Sarah Netburn
September 4, 2020
Page 2

MOTLEY RICE LLC

By: /s/ Robert T. Haeefe
ROBERT T. HAEFELE
MOTLEY RICE LLC
28 Bridgeside Boulevard
Mount Pleasant, SC 29465
Tel.: (843) 216-9184
Email: rhaefele@motleyrice.com

*Co-Liaison Counsel for the Plaintiffs' Exec. Committee
for Personal Injury and Death Claims*

KREINDLER & KREINDLER LLP

By: /s/ Andrew J. Maloney
ANDREW J. MALONEY
KREINDLER & KREINDLER LLP
750 Third Avenue
New York, New York 10017
Tel.: 212-687-8181
Email: amaloney@kreindler.com

*Co-Liaison Counsel For the Plaintiffs' Exec.
Committee for Personal Injury and Death Claims*

COZEN O'CONNOR

By: /s/ Sean P. Carter
SEAN P. CARTER
COZEN O'CONNOR
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, Pennsylvania 19103
Tel.: (215) 665-2105
Email: scarter@cozen.com

*Co-Chair for the Plaintiffs' Exec. Committee for
Commercial Claims*

cc: The Honorable George B. Daniels, via ECF
All Counsel of Record via ECF